

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 19620 of 2004(I)

PETITIONER:

**KIZHAKKEKUDIYIL PATHROSE,
S/O. K.P. VARKEY, AGED 44 YEARS, RESIDING
AT KOLAYAD AMSOM, KOOTHUPARAMBA (VIA),
KANNUR DISTRICT.**

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR, KANNUR.**
- 2. REVENUE DIVISIONAL OFFICER,
TELLICHERRY.**
- 3. TAHSILDAR, TELLICHERY.**
- 4. PONNERI DEVU, D/O. NARIKODAN KUNHAN
PANDIPARAMBA, P.O. KOLAYAD,
KOOTHUPARAMBA, KANNUR DISTRICT.**

**BY ADV. SRI.A.MOHAMED MUSTAQUE --- R4
SRI.KAUSER EDAPPAGATH
GOVERNMENT PLEADER SMT. LATHA THANKAPPAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C) NO: 19620/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PURCHASE CERTIFICATE ISSUED BY THE LAND TRIBUNAL TO THE PETITIONER DT. 18/6/85.

EXT.P2. COPY OF THE ORDER OF THE RDO DT. 16/2/1992.

EXT.P3. COPY OF THE APPLICATION FILED BY R4 DT. 22/4/87.

EXT.P4. COPY OF THE ORDER OF THE DIST. COLLECTOR DT. 15/2/93.

EXT.P5. COPY OF THE JUDGMENT IN WA NO. 700/99 DT. 5/11/03.

EXT.P6. COPY OF THE ORDER OF THE DIST. COLLECTOR, KANNUR IN M.6/62222/98 DT. 18/6/04.

RESPONDENT'S EXHIBITS NIL.

True copy

tga

KURIAN JOSEPH J.

Writ Petition (Civil) No.19620 of 2004

Dated 22nd November, 2007.

J U D G M E N T

Petitioner approached this court aggrieved by Ext.P6. The issue pertains to transfer of land from a member of the Scheduled Tribe community. The extent involved is only 50 cents. Since the extent involved is only less than two hectares, such transfers are saved by the proviso to section 5 of Act 12 of 1999. Therefore, the impugned order is quashed.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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